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July 21, 2015

BY ECF

The Honorable J. Paul Oetken
United States District Court
Southern District of New York
40 Foley Square, Room 2101
New York, New York 10007

Re: Levin, et al. v. Bank of New York, et al.
Case No.: 09 Civ. 5900 (JPO)
Our File No.: 375.0026

Dear Judge Oetken:

We represent third party defendant Central Bank of Nigeria (“CBN”) in this action. We write to respectfully request entry of judgment in the CBN’s favor pursuant to the May 11, 2015 Summary Order issued by the U.S. Court of Appeals for the Second Circuit.

Briefly, by way of background, by Judgment and Order dated October 10, 2013 the Honorable Robert P. Patterson ordered turnover of the CBN’s funds to plaintiffs and certain third party defendants (“Appellees”) in partial satisfaction of judgments entered against the Islamic Republic of Iran (the “Turnover Order”). The CBN’s funds had been blocked because they were being sent to a non-sanctioned Iranian engineering company’s account at a sanctioned Iranian bank. The CBN appealed the Turnover Order and, on May 11, 2015, the Second Circuit issued a Summary Order in the CBN’s favor reversing the Turnover Order and remanding the case to this Court with specific instructions to vacate the Turnover Order and to enter judgment in the CBN’s favor dismissing the complaint. The Second Circuit issued its Mandate on June 3, 2015, which was filed in this Court on the same day. [Dkt. # 1050]

Pursuant to the Second Circuit’s Summary Order, the CBN respectfully requests that judgment be entered in its favor forthwith. We note that Appellees moved for a stay of the appeal pending resolution of petitions for certiorari in *Calderon-Cardona v. Bank of New York Mellon and Hausler v. J.P. Morgan Chase Bank, N.A.* by the U.S. Supreme Court, but the Second Circuit denied their motion.

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Hon. J. Paul Oetken
July 21, 2015
Page 2

We thank the Court for its consideration.

Respectfully submitted,

BROWN GAVALAS & FROMM LLP

/s/ David H. Fromm
David H. Fromm

cc: All Counsel of Record (via ECF)